

REMARKS

Claim Rejections

Claims 1-4, 6-8, 12-22, 32-33, and 35-45 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,113,4492 (Walker).

Claims 5, 23-31, and 34 were rejected under 35 U.S.C. § 103(a) as obvious in view of Walker and U.S. Patent Application Publication No. 2002/0152120 (Howington). Claims 9-11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Walker in view of U.S. Patent Application Publication No. 2003/00544878 (Benoy et al.).

Claim Amendments

Claims 1, 35, 38, 41, and 45 have been amended to clarify certain claim features that were interpreted in the Office Action as functional limitations.

The Cited References

Walker discloses a gaming system wherein a slot machine 100 operates in both a normal payout mode and a reverse payout mode. In the normal payout mode, the slot machine operates in a conventional manner. (Col. 4, lines 9-11). In the reverse payout mode, the ratio of winning outcomes to losing outcomes is greater than one. That is, the statistical likelihood of generating any winning outcome is greater than the statistical likelihood of generating any losing outcome. (Col. 5, lines 40-55).

Howington is directed to a casino management system for tracking machine history, for tracking location history, for tagging construction activity in a casino location, and for changing machine placards without losing historical machine or location information. (¶0019). Figures 4-8 illustrate sample display screens for viewing and querying historical records associated with gaming machines. Specifically, Figure 4 illustrates a graphical interface for viewing, querying and retrieving placard changes and location changes for various gaming machines. (¶0029). The display screen of Figure 5 provides information on machine performance as opposed to machine location, placard and revision history. (¶0032). Figure 6 contains similar location, placard and machine information as is displayed in Figures 4 and 5. Figure 6 also includes information relating to wins, recorded currency amounts and counts for a particular gaming machine. (¶0033). Figure 7 illustrates a visual analysis tool presenting machine performance information as bar graphs in a data table. (¶0038). Figure 8 demonstrates the sortability and relational features of the visual analysis in presenting comparisons between machines regarding

performance, manufacturer, denomination, average daily win, total win and coin in. (§0039) Further, Figures 10-12 illustrate casino floor layouts. Specifically, Figure 10 is an overhead two dimensional view of gaming machines on a casino floor. (§0042). Figures 11 and 12 show possible three dimensional views of the gaming machines. (§0048). All these figures of Howington represent displays and information used by casino management to manage and operate the various gaming machines in a casino.

Benoy et al. is directed to a gaming machine used to provide a method of registering a player to a loyalty program. (Abstract). The gaming machine may have a touch screen display 16 used as an interface to provide player tracking services and to provide other game services to a player playing a game on the gaming machine. (§0036). A printer button 204 may be used to obtain metering information about a printer on the gaming machine that issues printed tickets that may be used to obtain gaming credits on the gaming machines or redeemed for cash. (§0066).

Applicant's Claimed Invention Is Neither Anticipated Nor Would It Have Been Obvious

Walker does not disclose each and every limitation of independent claims 1, 35, 38, 41 and 45. Thus, these claims are not anticipated by Walker.

Further, the combination of Walker and Howington or Benoy et al. does not result in Applicant's claimed invention, as set out in dependent claims 5, 9-11, 23-31 and 34. Thus, a *prima facie* case of obviousness has not been made out.

The following factual inquiries must be considered in any obviousness evaluation: the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the pertinent art and evidence of any secondary considerations. To establish a *prima facie* case of obviousness, it is axiomatic that the prior art, either alone or in combination, must disclose each and every element of the claimed invention. As stated in the M.P.E.P., "[t]o reject a claim . . . Office personnel must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." M.P.E.P. §2143A.

Moreover, "[t]he rationale to support a conclusion that the claim would have been obvious is that all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary

skill in the art.” *Id.* Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

The arguments set forth in the previous response are maintained and are hereby incorporated by reference for all purposes. However, in order to advance prosecution, the independent claims have each been amended to clarify certain claim features that were interpreted in the Office Action as functional.

By way of example, claim 1 defines a method for communicating a report concerning gaming machine past payout data to a player. Claim 1 has been amended to recite:

tracking gaming machine payout data;
storing a record of the tracked payout data in memory
accessible by the gaming machine;
accepting, from the player, selection criteria relating to the
payout data;
selecting, based on the accepted criteria, particular payout
data from the record of the payout data;
generating, based on the selected payout data, a report
including comparative past payout data which allows the player to
identify a gaming machine from among a plurality of gaming
machines that is more likely to produce an outcome desired by the
player; and
communicating to the player the generated report.

The Office action cites Walker as disclosing the storing a record of payout data. (Office Action, page 2, lines 18-20). The cited passages of Walker mention storing certain player information on a server. (Col. 13, lines 5-9 and lines 45-65). However, nowhere does Walker disclose or suggest accepting selection criteria from a player relating to this information or generating a report for a player relating to the stored information. Instead, the stored information seems to be used for cashless gaming. (Col. 14, lines 23-63).

Walker mentions allowing a player “a choice of different payout structures” when using a slot machine. (Col. 11, lines 22-23). According to Walker, “payout tables represent sets of data which correlate outcomes with payments.” (Col. 5, lines 44-45). Thus, a payout table defines the payouts that will be awarded based on the outcome shown on the slot machine at the end of a spin. (Walker, Figures 4A-4D). However, a payout table that describes the payouts that will result from particular game outcomes, as mentioned in Walker, does not include past or tracked payout data that relates to actual payouts of one or more gaming machines. Therefore, Walker fails to disclose or suggest accepting selection criteria from a player relating to payout data and

selecting particular payout data from the record of the payout data based on the accepted criteria, as recited in the independent claims.

In addition, the independent claims recite generating a report including comparative past payout data. The report allows the player to identify a gaming machine from among a plurality of gaming machines that is more likely to produce an outcome desired by the player. For example, a player may prefer to play a high paying or low paying machine based on a belief that such a machine is more likely to hit a jackpot. (Application, page 2, lines 7-10). Walker is cited in the Office Action as communicating such a report to the player. (Office Action, page 3, lines 1-3). However, the cited passages of Walker relate to allowing a player to select a payout table. (Col. 11, lines 8-34). As discussed herein, a payout table that describes how the slot machine will award payouts as a result of particular game outcomes does not include past or tracked payout data that relates to actual payouts of one or more gaming machines. Thus, displaying a payout table to a user, as mentioned in Walker, is different than generating and communicating a report including comparative past payout data. Therefore, Walker fails to disclose or suggest generating and communicating a report as recited in the independent claims.

Howington and Benoy are not cited in the Office Action as disclosing or suggesting any feature recited in an independent claim. Further, Howington fails to disclose or suggest accepting criteria from, or providing a report to, a player based on the information included in the casino resort management systems discussed in Howington. Instead, the casino resort management systems seem configured for use by casino personnel, not players. (¶ [0040]).

Benoy mentions a printer that can be used to print metering information. (¶ [0066]). However, Benoy states that the metering information is printed by and provided to casino personnel, not a player. (¶ [0066]). Benoy also mentions printing a receipt for a player. (¶ [0076]). However, the receipt is printed to confirm the registration process. (¶ [0076]). Benoy fails to disclose or suggest accepting selection criteria related to past or tracked comparative payout data and including such information with the metering information or receipt. Thus, Howington and Benoy fail to disclose or suggest the same features lacking in Walker.

Therefore, it is respectfully submitted that Applicant's claimed invention is not anticipated by nor would it have been obvious in view of Walker, either alone or in combination with other references.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicant's undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P328).

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Respectfully submitted,

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